the results of legal decisions. He clearly states the Massachusetts rule, for instance, concerning extraordinary dividends of corporations—if cash, they go to the life tenant, and if in the form of stock, to the remainderman. But of the theoretical difficulties with this rule and of its discriminating effects in application he scarcely speaks. Again, we looked through its pages in vain for a discussion of any distinction between legal and equitable life estates or remainders. The book supplies excellent up-to-date rules of action to the administrator. But to the lawyer, seeking principles and theories upon which he can work out results in cases presenting sets of facts varying from those upon which adjudications have already been made, it affords no assistance other than as a book of citations.

HINTS FOR FORENSIC PRACTICE. By T. F. C. Demarest. New York: The Banks Law Publishing Co. 1905. pp. x, 123.

This little book contains a useful and accurate summary of the decisions of the courts of New York in regard to certain points in practice and in the administration of the Law of Evidence, together with suggestions of the author by way of interpretation and criticism upon the holdings of the decisions, which seem to be both sensible and just. To more than this the book lays no claim.

The most unsatisfactory portion of the book is that part of the opening chapter which raises such questions as the proper definition of Evidence, and the relation of logic to "relevancy" and "admissibility." Perhaps it is not fair in a monograph of this kind to expect additional light on questions which have provoked so much discussion, still it would seem that we are entitled to something a little more definite than this after a discussion which cites from a large number of text writers and authorities: "But the principles of a deductive logic are not the sole guide of the judge or advocate, for the reason, already intimated, that positive municipal law has superimposed various, mainly exclusory, rules. The books are filled with reminders of the distinction between natural and judicial evidence, as also between logical and legal relevancy, but the observations there encountered are most frequently of a more or less vague and general character." p. 7.

It is submitted that in the monumental treatise of Professor Wigmore and in his sixteenth edition of Greenleaf, to which the learned author refers and in the late Professor Thayer's Preliminary Treatise on Evidence at the Common Law, to which no reference is made, the entire subject has lost the vagueness referred to. As Professor Thayer has so clearly shown (Thayer, Preliminary Treatise, ch. VI.) the main function of the law of evidence is to exclude logically probative evidence. And while it may still be a subject of contention whether or not it is a proper use of language to assert that there are some things logically relevant which are not legally relevant (See Thayer, Preliminary Treatise, ch. VI.; Wigmore, Evidence, sec. 27, *et seq.*) it is submitted that there is no basis for the suggestion lurking in the words "*mainly* exclusory" in the above quotation that anything can be legally relevant which is not logically relevant.

Turning, however, from the few pages on definitions to the body of the book we find that the learned author, having classified objections to evidence as general and special, and explained the method of the court in dealing with each, proceeds to a detailed and painstaking examination of the New York authorities to show the exact meaning attached by the court to the common form of objection "incompetent, immaterial and irrelevant" and each and every word thereof, and to the examination of the question as to whether this objection in full or in any modified form is general or special. It is in the careful and intelligent handling of the cases on this and other points that the value of the book lies. He concludes that all objections may be divided into two classes, those that question the logical bearing of the evidence offered and those that assert some objection whether technical or substantial, founded on law rather than logic. Incompetent he shows to be equivalent to inadmissible, and to raise a general objection covering grounds both of law and logic. Immaterial is the equivalent of irrelevant. Either word raises the specific objection of one of logical bearing in the evidence. The words "incompetent, irrelevant and immaterial" combine both the general and specific objection. "Never say 'incompetent' for it is useless; never say 'irrelevant and immaterial' for it is repetitious." p. 76.

The concluding sections of the book contain discussions of the functions of a motion to strike out evidence and a motion to direct the jury to disregard evidence, and of a motion to direct a judgment and to set aside the verdict. The sinuosities of the New York law on these highly practical points are followed in a careful *excursus* among the New York cases, which seems to justify at once the soundness of the author's conclusions and the utility of the detailed examination.

REVIEWS TO FOLLOW:

STUDIES IN THE CIVIL LAW. By W. W. Howe. Second Edition. Boston: Little, Brown & Co. 1905. pp. xiii, 391.

THE LAW OF DOMESTIC RELATIONS. By James Schouler. Boston: Little, Brown & Co. 1905. pp. xxxix, 421.

A TREATISE ON THE LAW OF FIXTURES. By M. D. Ewell. Second Edition by F. H. Childs. Chicago: Callaghan & Co. 1905. pp. cviii, 784.

A TREATISE ON EQUITY JURISDICTION. By J. N. Pomeroy. Third Edition by J. N. Pomeroy, Jr. Four vols. San Francisco: Bancroft-Whitney Co. 1905. pp. lviii, 3525.

A MANUAL RELATING TO SPECIAL VERDICTS AND SPECIAL FINDINGS BY JURIES. By G. B. Clemenson. St. Paul: West Pub. Co. 1905. pp. lxi, 350.

THE PRINCIPLES OF THE LAW OF CONTRACTS. By J. D. Lawson. Second Edition. St. Louis: The F. H. Thomas Law Book Co. 1905. pp. xxvi, 688.

JURISPRUDENCE LAW AND ETHICS. By E. B. Kinkead. New York: The Banks Law Pub. Co. 1905. pp. vii, 381.